

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HEALTH REPUBLIC INSURANCE
COMPANY,

Plaintiff,
on behalf of itself and all others
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:16-cv-259-KCD
(Judge Davis)

COMMON GROUND HEALTHCARE
COOPERATIVE,

Plaintiff,
on behalf of itself and all others
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:17-cv-877-KCD
(Judge Davis)

[PROPOSED] ORDER

On September 16, 2021 the Court granted Class Counsel Quinn Emanuel Urquhart & Sullivan (“Quinn Emanuel”)’s initial motion for a \$184,848,671.67 million fee, or 5% of the combined judgments for the Risk Corridors Non-Dispute Subclasses in *Health Republic* and *Common Ground*. (Order, H.R. Dkt. 138, C.G. Dkt. 153.) On January 31, 2023, the Federal Circuit vacated the initial fee award and remanded to this Court for reconsideration. On October 10, 2024, the Court granted Quinn Emanuel’s renewed Motions for Approval of Attorney’s Fee Request (the “Opinion and Order”) which found that Quinn Emanuel is entitled to \$92,424,335.84 as fees, or 2.5% of the combined judgments for the Risk Corridors Non-Dispute

Subclasses in *Health Republic* and *Common Ground*. (H.R. Dkt. 138, 192; C.G. Dkt. 153, 185).

On October 18, 2024, the Clerk entered two RCFC 54(b) Judgments pursuant to the October 10, 2024 Opinion and Order. (H.R. Dkt. 226; C.G. Dkt. 230).

On November 19, 2024, the Court entered an order which requires Quinn Emanuel to transfer \$92,424,335.84 (the excess of the \$184,848,671.67 previously distributed for fees over the current fee award) to the Claims Administrator no later than December 2, 2024 with instructions for pro rata distribution to the respective Subclasses. The Court also ordered the parties to submit a proposed order regarding the procedures for the transfer of funds and for a briefing schedule regarding the amount of interest due should informal negotiations fail to resolve that dispute. (H.R. Dkt. 236; C.G. Dkt. 236.)

Consistent with and further to the November 19, 2024 order, the Court **ORDERS** Quinn Emanuel to return, by no later than **December 2, 2024**, \$92,424,335.84 to the Claims Administrator for distribution to Non-Dispute Subclass members *pro rata* and utilizing the same procedures as it did with the original risk corridors-related damages distributions. Quinn Emanuel will also instruct the Claims Administrator to so distribute the funds to the members of the respective Subclasses by no later than **December 16, 2024** and to inform Quinn Emanuel by no later than **December 13, 2024** if any issues have arisen that the Claims Administrator believes will prevent distribution to any Non-Dispute Subclass members by December 16, 2024. If any such issues arise, Quinn Emanuel will provide a status report to the Court on or before **December 16, 2024**, so the Court may determine and address next steps, if any. To the extent any issues arise with respect to distribution to any particular Subclass member(s), those issues will not prevent or delay distribution to the Subclass members to whom distribution may be

accomplished without incident. Once all distributions are complete, Quinn Emanuel will inform the Court.

The Court also finds that good cause exists and **ORDERS** the following stipulated briefing schedule to determine the amount of interest due to the Risk Corridors Non-Dispute Subclasses on the excess fee award, assuming the issue has not been resolved informally by the Parties prior to December 6, 2024:

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| Objectors' Motion for Prejudgment Interest | November 15, 2024 |
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| Class Counsel's Opposition to Objectors' Motion for Prejudgment Interest | December 6, 2024 |
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| Objectors' Reply in Support of Their Motion for Prejudgment Interest | December 20, 2024 |
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IT IS SO ORDERED.

DATED: _____

KATHRYN C. DAVIS
Judge